

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SUSAN LAWRENCE,

Plaintiff,

v.

COSTCO WHOLESALE  
CORPORATION, et al.,

Defendants.

Case No. 1:22-cv-00931-ADA-EPG

ORDER DENYING MOTION TO COMPEL  
WITHOUT PREJUDICE

(ECF No. 30)

ORDER DIRECTING CLERK TO  
TERMINATE ECF NO. 28

This matter is before the Court on Plaintiff's motion to compel further responses from Defendant regarding Plaintiff's request for production of documents. (ECF No. 30). Because the motion fails to comply with Local Rule 251, the Court will deny it without prejudice.

Notably, Local Rule 251(c) provides as follows:

If the moving party is still dissatisfied after the conference of counsel [required by Local Rule 251(b) regarding the parties' discovery dispute], that party shall draft and file a document entitled "Joint Statement re Discovery Disagreement." All parties who are concerned with the discovery motion shall assist in the preparation of, and shall sign, the Joint Statement, which shall specify with particularity the following matters:

- (1) The details of the conference or conferences
- (2) A statement of the nature of the action and its factual disputes insofar as they are pertinent to the matters to be decided and the issues to be determined at the hearing; and
- (3) The contentions of each party as to each contested issue, including a

memorandum of each party's respective arguments concerning the issues in dispute and the legal authorities in support thereof.

Each specific interrogatory, deposition question or other item objected to, or concerning which a protective order is sought, and the objection thereto, shall be reproduced in full. The respective arguments and supporting authorities of the parties shall be set forth immediately following each such objection. When an objection is raised to a number of items or a general protective order is sought that is related to a number of specific items, the arguments and briefing need not be repeated. If a protective order is sought that is unrelated to specific, individual items, repetition of the original discovery document is not required. All arguments and briefing that would otherwise be included in a memorandum of points and authorities supporting or opposing the motion shall be included in this joint statement, and no separate briefing shall be filed.

Local Rule 251(c).

Notably, Plaintiff has filed no Joint Statement re Discovery Disagreement. *See* Local Rule 251(b) (noting that a discovery motion will not be heard unless "the parties have set forth their differences and the bases therefor in a Joint Statement re Discovery Disagreement"). Moreover, the motion to compel contains briefing that must be presented in such a statement rather than a separate memorandum.

Accordingly, IT IS ORDERED as follows:

1. Plaintiff's motion to compel (ECF No. 30) is denied without prejudice to refile a motion complying with the requirements of Local Rule 251.
2. However, any revised motion to compel need not be noticed for a hearing as required by Local Rule 251(a). Rather, the Court will, after review of the motion, set a hearing if it determines one is necessary.
3. The Clerk of Court is directed to terminate ECF No. 28 (Plaintiff's earlier incorrectly titled motion to compel) as pending.

IT IS SO ORDERED.

Dated: October 10, 2023

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE